of the contagious nature of a case assigned to her. The court points out that the hospital is incorporated under a general charter, and that although it has no capital stock and made no division of profits, and all its property was devoted to charitable uses, it is liable, and cites a number of English and American cases. The court also rejected the contention that as the plaintiff was an apprentice learning a trade, she was not a servant, and that the corporation was therefore relieved of its ordinary duty to her in that capacity.

Libel—Liability of Managing Editor.—The Circuit Court of Appeals for the Second Circuit in Folwell *v.* Miller, 145 Federal Reporter, 495, holds that the editor in chief having general supervision of the matter contained in a newspaper is not responsible for a libel of which he had no actual knowledge. It seems that the publication was caused by a subordinate during the absence of the editor in chief. The court points out that it has never been really decided that the liability of the editor is co-extensive with that of the proprietor, and declined to approve cases which tend to hold this doctrine.

Eminent Domain — Right of Way through Cemetery. — Judge Wilkes, speaking for the Supreme Court of Tennessee in the case of Memphis State Line R. Co. *v.* Forest Hill Cemetery Co., 94 Southwestern Reporter, 69, very tersely summarizes the holding of the court with the statement that "the wheels of commerce must stop at the grave." It was sought to have a right of way for the railroad condemned through a portion of the cemetery which had not as yet been used for burial purposes, for the reason that other available rights of way would be more difficult and more expensive to prepare.

Constitutional Law—Statute Discriminating against Patented Article.—An Arkansas statute providing that every negotiable instrument taken in payment for a patented article must be executed on a printed form, showing that it was so taken, is held by the United States Circuit Court of Appeals for the Eighth Circuit in Ozan Lumber Co. *v.* Union County Nat. Bank, 145 Federal Reporter, 344, to be unconstitutional, for the reason that it creates a discrimination between the articles of property of the same class or character, the discrimination being based on the fact alone that the article is protected by a federal patent. The court distinguishes several somewhat similar enactments in other states, and points out that, if such a statute could be lawfully enacted, the state might with equal reason destroy the negotiability of notes taken by national banks or by citizens of other states, or in interstate commercial arrangements, etc.

Carriers—Who Are Passengers?—The Supreme Court of Massachusetts in the case of Fitzmaurice *v.* New York, New Haven & Hartford R. Co., 78 Northeastern Reporter, 418, makes a decision